

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2688 OF 2014

Mrs. Radhika Carlton Pereira

..Petitioner

Versus

1. The State of Maharashtra

2. Shri Pavitra Shripad Takle

..Respondents

with

WRIT PETITION NO. 2812 OF 2014

Mr. Vinod Sethi

..Petitioner

Versus

1. The State of Maharashtra

2. Shri Pavitra Shripad Takle

..Respondents

Mr. Nitin Pradhan i/b. Ms. Shubhada D. Khot, advocate for petitioner in writ petition No.2688 of 2014

Mr. Ashwin Shete i/b. Jayakar & Partners, advocates for the petitioner in writ petition No.2812 of 2014.

Mr. K. V. Saste, APP for the State.

Mr. S. P. Dighe, advocate for respondent No.2.

**CORAM : RANJIT MORE &
R. G. KETKAR, JJ.**

DATE : 29th OCTOBER, 2015.

P. C. :

Learned counsel for the petitioners, at the outset, seeks leave to amend the prayer clauses of the petitions so as to give particulars of the FIR. Leave as prayed for, is granted. Necessary amendment be carried out forthwith.

2. Heard learned counsel and learned APP for the respective parties.

3. The above writ petitions are filed under Article 226 of the Constitution of India read with the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing and setting-aside the FIR No.I-188/2014 registered with Sarkarwada Police Station, Nashik, at the instance of respondent No.2 – Pavitra Takle, against the petitioners for the offences punishable under Sections 420, 406, 465, 468, 471, 201 and Section 120-B of the Indian Penal Code, 1860.

4. Respondent No.2- Mr.Pavitra S. Takle filed RCC No.190 of 2014 in the Court of Judicial Magistrate First Class, Nashik, under Section 156(3) of the Code of Criminal Procedure, 1973. The learned Magistrate by his order dated 25th June, 2014 directed the In-charge of the Sarkarwada Police Station to investigate the matter under Section 156(3) of the Code of Criminal Procedure, 1973 and submit a report. In pursuance of this order, the above stated FIR is registered.

5. Pending the investigation, the parties settled their dispute amicably and have approached this Court for quashing and setting-aside the subject FIR by consent qua the petitioners.

6. Mr. Saste, learned APP, submitted that there are allegations against the present petitioners in paragraphs 2 and 6 of

the complaint. We have gone through those allegations. The allegations are personal in nature and Mr. Pavitra Takle-original complainant has no objection for quashing the subject FIR qua the petitioners.

7. Respondent No.2- Mr. Pavitra Takle has filed separate affidavits dated 13th October, 2015. In paragraph 4 therein, he has given no objection to quash the proceedings of the subject FIR qua the petitioners. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavits and has fully understood the contents thereof and has no objection, if the subject FIR is quashed and set-aside. He also stated that he is giving no objection for quashing the subject FIR out of free will and without there being any pressure or coercion.

8. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh vs. State of Punjab** **[2014 AIR SCW 2065]**, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened. However, at the same time, costs need to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

9. Accordingly, the the writ petitions are allowed in terms of prayer clause (b) subject to payment of cost of Rs.10, 000/- by the petitioner in each of the petition to Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The petitioners shall pay the said cost and produce the receipts thereof on the file of this Court within a period of four weeks from today, failing which, the writ petitions shall stand dismissed automatically without further reference to the Court.

10. Subject to above, the writ petitions are disposed of.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]